

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

ePLUS, INC.

vs.

LAWSON SOFTWARE, INC.

Civil Action No.  
3:09CV620

January 14, 2011

COMPLETE TRANSCRIPT OF THE JURY TRIAL

BEFORE THE HONORABLE ROBERT E. PAYNE

UNITED STATES DISTRICT JUDGE, AND A JURY

APPEARANCES:

Scott L. Robertson, Esquire  
Michael G. Strapp, Esquire  
Jennifer A. Albert, Esquire  
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Peppy Peterson, RPR  
Official Court Reporter  
United States District Court

EXHIBIT

5

Shamos - Direct

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1 not in the Lawson system the use of the UNSPSC codes would  
2 satisfy any claim elements of any of the asserted claims in  
3 this case relating to generally equivalent items?

4 A Did I look at that?

5 Q What was your conclusion about that?

6 A That it doesn't.

7 Q Why not?

8 A So, the UNSPSC code is a generally accepted international  
9 coding to categorize products. There's a big difference  
10 between desks and chairs, and so if you gave a code to desks,  
11 you could immediately tell that something was a desk and it  
12 wasn't a chair. And it happens to be hierarchically organized.

13 That is, it has different levels, so you can get to office  
14 furniture, and then within office furniture you could have  
15 desks, and then within desks you can desks with drawers or  
16 without drawers, et cetera.

17 The Lawson software does provide the ability for a  
18 customer to enter UNSPSC codes into the item master database if  
19 he wants to do that, and sometimes it's useful for people who  
20 are ordering things to know what the UNSPSC code is associated  
21 with a particular item, but those UNSPSC codes are not used for  
22 the purpose of determining whether things are generally  
23 equivalent.

24 There's no automatic conversion. I can't go and say, if  
25 you're out of stock of this product, please give me another one

Shamos - Direct

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1 that has the same UNSPSC code. So there's no converting that's  
2 going on. There's no matching that goes on with respect to  
3 UNSPSC codes even though they may be physically present in the  
4 database.

5 Q You have here, and this is another slide we have up on the  
6 screen that you prepared; is that right?

7 A Yes.

8 Q On the last point there, what's the last bullet point?  
9 Can you explain what you meant by that?

10 A It's only within RSS, not the totality of the systems that  
11 are accused. It's only RSS that allows even searching of the  
12 UNSPSC code.

13 Q Can we turn to the next slide, please, 31.

14 A Yes.

15 Q Is this another slide you put together, Dr. Shamos?

16 A Well, I put it together, but literally it's copied out of  
17 a white paper that was published explaining what UNSPSC codes  
18 are. So I didn't write the words that are on the slide except  
19 for the title.

20 THE COURT: In other words, you made the slide.

21 THE WITNESS: I made the slide. I had an electronic  
22 copy of that white paper. I had it on the screen. I used a  
23 photo editor, and I did a screen capture and then cropped it  
24 down and stuck it on the slide directly out of that UNSPSC  
25 white paper.

ENG - REDIRECT

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1 THE COURT: Any objections? It's admitted.

2 THE CLERK: What number is that?

3 THE COURT: 401. Defendant's 401.

4 (Defendant's Exhibit 401 is admitted into  
5 evidence.)

6 THE COURT: All right. Anything else anybody  
7 has so we can get ready to go on Tuesday morning?

8 MR. McDONALD: Nothing else, Your Honor, for  
9 the defense.

10 THE COURT: All right.

11 MR. ROBERTSON: Sorry, Your Honor. I didn't  
12 hear you.

13 THE COURT: I just want to know if there's  
14 anything else so that we can solve it and get going  
15 and actively out of the box at nine o'clock Tuesday  
16 morning.

17 MR. ROBERTSON: Nothing by the plaintiff.

18 THE COURT: Okay. That sounds good. All  
19 right.

20

21 (The proceedings were adjourned at 5:20 p.m.)

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